

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	
	)	Case No. 22-CR-00031DKW
	)	
Plaintiff,	)	July 14, 2022
	)	10:32 a.m.
vs.	)	
	)	
LINDSEY KINNEY,	)	
	)	U.S. District Court
Defendant.	)	300 Ala Moana Boulevard
	)	Honolulu, HI 96850
	)	

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TRANSCRIPT OF HEARING ON DEFENDANT'S MOTION FOR PRETRIAL  
SUPERVISED RELEASE  
BEFORE THE HONORABLE ROM TRADER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:	Craig S. Nolan, Esq. U.S. Attorney's Office 300 Ala Moana Boulevard, #6100 Honolulu, HI 96850
For the Defendant:	Benjamin R.C. Ignacio, Esq. 1130 N. Nimitz Highway, #B-223 Honolulu, HI 96817
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Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 JULY 14, 2022

10:34 A.M.

2 THE CLERK: The United States District Court for the  
3 District of Hawai'i with the Honorable Magistrate Judge Rom  
4 Trader presiding is now in session. The gallery may be seated.

5 Criminal number 22-00031DKW, United States of America  
6 v. Defendant (01) Lindsey Kinney. This case has been called for  
7 a motion hearing.

8 Counsel, your appearances for the record, starting with  
9 counsel for the Government, please.

10 MR. NOLAN: Good morning, Your Honor. Craig Nolan for  
11 the Government. Erin Patrick from Pretrial Services is also  
12 present.

13 THE COURT: Okay. Good morning.

14 MR. IGNACIO: And good morning, Your Honor. Benjamin  
15 Ignacio on behalf of Defendant Lindsey Kinney, who is present,  
16 standing to my left. Also present in the courtroom, Your Honor,  
17 is a proposed sponsor in this case or in this motion, Lexine  
18 (phonetic) Kinney.

19 THE COURT: All right. Very good. Good morning to  
20 you, Mr. Ignacio, and to you, Mr. Kinney. Have a seat.

21 All right. Before we get started I believe, as I  
22 recall from the last proceeding that was in person, I just want  
23 to start off with just some house rules, okay. This is a public  
24 proceeding. The public has every right to be here, and we're  
25 more than welcome to have you.

1           To the extent that there are rules that apply for those  
2 in attendance, as long as those rules are abided by, which is  
3 essentially to be respectful, and not speak up and cause any sort  
4 of disruption, you're more than welcome to remain. Anyone that  
5 chooses not to follow those basic rules, okay, I'm going to warn  
6 you, if that happens, and if that persists, I will have you  
7 removed, okay. And all of that is easily avoided if we just kind  
8 of proceed, okay, because all that distracts from essentially the  
9 merits of the decision and the process that's due to Mr. Kinney  
10 and the Government in this matter, okay.

11           All right. So with that, we are here on Mr. Kinney's  
12 motion to reopen the detention order in this case. I will take  
13 judicial notice of the records and files, and that will include  
14 the indictment on file in this case, the prior motion to detain,  
15 which I'll note was not based upon the -- any sort of presumption  
16 for detention. Beyond that, I have reviewed the prior order of  
17 detention and am in receipt of the Government -- excuse me, the  
18 Pretrial Services addendum, which is dated today's date, July  
19 14th, 2022, and they were kind enough to include the prior  
20 report.

21           Okay. So I think I have everything. I also thank Ms.  
22 Kinney. I guess, she's the -- where are you at, Ms. Kinney?  
23 Okay. Good. The proposed third-party custodian, who is present.

24           Okay. So with that -- and then, Mr. Nolan, just to  
25 double check, there was no written response filed to the motion;

1 is that correct?

2 MR. NOLAN: That's correct. I provided some  
3 information to Pretrial Services, which the Defense already has.

4 THE COURT: Okay. I just wanted to make sure because  
5 sometimes things get filed, and perhaps if I didn't have the time  
6 to double check and maybe it got lost along the way. Okay.  
7 Good.

8 All right. So with that, Mr. Ignacio, it's your  
9 motion. I'll be happy to hear from you, sir.

10 MR. IGNACIO: Thank you, Your Honor.

11 So currently Mr. Kinney is in custody at the Federal  
12 Detention Center. He's also being held in the Special Housing  
13 Unit --

14 THE COURT: Uh-huh.

15 MR. IGNACIO: -- at the Federal Detention Center  
16 because of circumstances unrelated to this charge. Essentially,  
17 I think there's no secret to this, Mr. Kinney is a material  
18 witness in a federal prosecution against another defendant in  
19 another case and that's why he's in the SHU, Your Honor, is  
20 because of protection.

21 THE COURT: Uh-huh.

22 MR. IGNACIO: However, he has experienced a handful of  
23 uncomfortable incidents there, including almost being housed with  
24 a potentially violent and by his own failed statements, somebody  
25 who is involved in the other criminal prosecution where Mr.

1 Kinney is potentially a witness for the Government.

2           Additionally, as my motion indicates, Mr. Kinney is  
3 supposed to be on medication, and he's not receiving that. I  
4 don't have much more information on that, but I do think that  
5 it's also important for Your Honor to consider.

6           Now previously when the detention hearing was  
7 originally held Your Honor granted the motion to detain and,  
8 although I disagree with it, I can certainly understand being  
9 given some pause because of the Defendant's statements both in  
10 court and then to Pretrial Services about moving back to the  
11 mountains and planning not to abide by any terms and conditions  
12 imposed by the Court.

13           And what I would ask Your Honor to do is consider that  
14 just pure bluster. I don't think that there's any history or  
15 evidence of Mr. Kinney acting on those types of ideas. This is  
16 still America, and we are still entitled to each hold our closely  
17 held political beliefs. Mr. Kinney is a radical for sure, but he  
18 -- not once has he taken any steps towards action, including in  
19 the criminal charges in this case. And I think that that's  
20 important to consider.

21           Nowhere in the pretrial bail report is there any  
22 genuine indication of a history of violence. Of any performance  
23 of violence. Any visitation of violence upon others. Just a lot  
24 of bluster, Your Honor. Statements at the previous hearing that  
25 the jurisdiction of this Court is rejected by him, I would ask

1 Your Honor to recognize that it hasn't been tested, and if he's  
2 put on terms and conditions, if the alternative is for him to  
3 stay in the SHU, I think it's pretty clear what he will do, and  
4 that is to abide by the terms and conditions.

5 He's even said so in the most recent interview. I do  
6 think that it's unfortunate that he made some comments about not  
7 abiding after September. I've spoken to him about that, and it's  
8 my understanding that he is hoping that this matter concludes in  
9 September. That's when it's set for trial. I think that --  
10 well, he's explained to me that's the only reason he said he  
11 wasn't planning on abiding after September. Not out of any, you  
12 know, time limitation. It's just because he expects to be done  
13 in September.

14 When I explained to him that if this matter does not  
15 conclude in September and he is still expected to remain on terms  
16 and conditions, he's expressed to me that he's prepared to follow  
17 those terms and conditions.

18 THE COURT: Right. What if he doesn't agree with the  
19 terms and conditions the Court might set, as it does in most  
20 cases? And the same will be true for Mr. Kinney, all right. So,  
21 in particular, given the context within which I'm evaluating this  
22 request, which is whether or not he's going to abide by the  
23 terms, okay, and I hear what you're saying, and I'm taking stock  
24 of that.

25 But in the prior pretrial report, I believe there was a

1 reference with regard to substance abuse. And, in particular, on  
2 page 3 of the prior report under the heading of health, the  
3 second paragraph.

4 THE DEFENDANT: No proof.

5 THE COURT: It basically indicates that he's not  
6 willing to refrain from the use of, for example, marijuana. All  
7 right. And it was explained to him at that time that that would  
8 be a violation and would not be permitted because it was a  
9 violation of federal law. State Court that's maybe a different  
10 story depending upon what the circumstances are. But can you  
11 speak to that, please.

12 MR. IGNACIO: Well, he's telling me that he's willing  
13 to abide, Your Honor.

14 THE COURT: Okay.

15 MR. IGNACIO: He's whispering that to me now.

16 THE COURT: Okay. I understand.

17 All right. So anything else you want to offer with  
18 regard to the proposed offer?

19 MR. IGNACIO: I think other than highlighting the  
20 bluster aspect of Mr. Kinney's comments, I think the other thing  
21 to -- I can note is that significant circumstances changed since  
22 our previous hearing and that's essentially that Mr. Kinney has  
23 been in SHU for this time, and he now knows that the alternative  
24 to the SHU -- or the only alternative to the SHU requires him to  
25 comply with these court orders.

1 THE COURT: Okay.

2 MR. IGNACIO: Thank you.

3 THE COURT: All right. Thank you very much. All  
4 right. Mr. Nolan.

5 MR. NOLAN: Thank you, Your Honor. Obviously, the  
6 Court's well versed in the history, having sat on the -- in the  
7 original hearing, so let me just add a few things to what the  
8 Court already knows.

9 It's a crime of violence under 3156 because of  
10 threatened uses of force. That's 18 U.S.C. 3156(a)(4). That's  
11 the definition of crime of violence. That's what makes it  
12 eligible for detention, in part. The other is a risk of flight  
13 or non-appearance.

14 Second, as the Court knows, we have threats to multiple  
15 victims, not just the charged offense. On top of that we spoke a  
16 little bit last time about the arrest, which did not or has not  
17 yet resulted in a stay of prosecution and execution of search  
18 warrant at Mr. Kinney's residence.

19 I have produced the reports to the Defense. They're  
20 about 230 pages. I provided a copy to Pretrial Services. I have  
21 a few with me. A few notable facts from those reports. One is  
22 Mr. Kinney resisted and had to be subdued physically and  
23 threatened by the police --

24 THE DEFENDANT: Object.

25 MR. NOLAN: -- during a --



1 THE COURT: Hold on, Mr. Kinney. Okay. Please don't  
2 speak. Go ahead.

3 MR. NOLAN: During --

4 THE DEFENDANT: It was from a distance.

5 MR. NOLAN: During the interaction he had to be  
6 threatened by the police who were on top of him and concerned  
7 because of --

8 THE DEFENDANT: They kill me.

9 MR. NOLAN: -- firearms and the like.

10 THE DEFENDANT: They tried to kill me, sir.

11 THE COURT: Mr. Kinney, I'm going to just -- all right.  
12 Look --

13 THE DEFENDANT: They tried to kill me.

14 THE COURT: No, hold on. You have a lawyer, okay. You  
15 heard the comments that I stated earlier, okay. Mr. Kinney, you  
16 have a right to be here, but that right is not absolute, okay.  
17 So I'm just going to -- I know it's not easy for you, okay, but  
18 I'm going to remind you, you need to follow the rules. And one  
19 of those is unless I ask you to speak, all right, when you're  
20 permitted to do so, you don't interrupt, you don't speak up.  
21 Okay.

22 All right. Thank you, sir. Go ahead.

23 MR. NOLAN: So during this resistance by the Defendant  
24 he eventually complied with the officer's commands, only when the  
25 officer stated that he would render him unconscious. Render Mr.

1 Kinney unconscious should he continue resisting. And he did, at  
2 that point, to his credit, stop.

3 During the search of his residence, in his bedroom,  
4 three firearms were found, a pistol and two assault rifle type  
5 weapons. All were ghost guns. None with serial numbers. Mr.  
6 Kinney, of course, did not have the required permits under state  
7 law. Again, it's not been prosecuted. I can't comment on that.

8 His proposed custodian today, showed up at the  
9 residence, demonstrated that she was a co-tenant of that  
10 residence to the police. I think she had a lease or something.  
11 But to the satisfaction of HPD, and in fact HPD even sought her  
12 consent to search her bedroom.

13 So I raise that because he's asking to be released to  
14 his mother. His mother was a tenant at the time he unlawfully,  
15 under state law, possessed firearms. They are significant  
16 firearms. There was also ammunition. And the guns were loaded  
17 according to report. I'm happy to pass this up to the Court, to  
18 the Defense. The Defense already has these materials, but, of  
19 course, these are just a few things out of 230 pages.

20 That's very concerning. Those are violations of state  
21 law, whether or not prosecuted. It involves the presence of the  
22 custodian in the household where these guns were being kept, and  
23 we don't think she is suitable because of that. She also has --  
24 a criminal record check would reveal that she has charges.

25 THE COURT: She has an arrest.

1 MR. NOLAN: 2006 and 2012 time frame, I understand --  
2 my reading of the record is there are no convictions, and they  
3 were drug related. And Your Honor probably is much more familiar  
4 with State law than I am and can read that criminal record check  
5 better than I.

6 But for all of those reasons and everything else, that  
7 the Court has read, heard, and seen, Mr. Kinney would pose a  
8 danger that cannot be mitigated by conditions given his history,  
9 given his failure to recognize this Court and the Government  
10 appropriately -- and given the statements he's made to Pretrial  
11 Services, including his recent statements. Thank you.

12 THE COURT: All right. Thank you, Mr. Nolan.

13 All right. Mr. Ignacio, to the extent that you brought  
14 the motion, I'll give you the last word, and then I'll invite you  
15 to have just a brief word -- maybe privately with your client,  
16 not that I would necessarily advise it. That's not my role, but  
17 Mr. Kinney has something that he wishes to share that may be  
18 relevant to the Court's decision, and I underscore that word  
19 relevant, okay. I'm happy to give him an opportunity, okay.

20 MR. IGNACIO: Thank you, Your Honor. And I appreciate  
21 it. I do -- you know, Mr. Kinney has refrained from objecting as  
22 much as he would have liked --

23 THE COURT: I'm sure.

24 MR. IGNACIO: -- in this case, and I appreciate that.  
25 And that's an example of how he would comply, Your Honor.

1 But, essentially, what I wanted to respond to is with  
2 respect to these firearms, and I hope that what I say satisfies  
3 what he feels is necessary for the objection that he wanted.

4 But, essentially, the timing of the search, the --

5 (Counsel and Defendant confer)

6 MR. IGNACIO: The timing of the search, the execution  
7 of the search, the recovery of these ghost firearms, and the  
8 complete absence of prosecution for ghost firearms that were  
9 illegally -- allegedly, illegally obtained, is definitely  
10 concerning.

11 THE COURT: Can I ask you a quick question? I should  
12 have asked Mr. Nolan, I'm sorry. What date was the search  
13 warrant executed?

14 MR. IGNACIO: That was --

15 THE COURT: Just for context.

16 MR. IGNACIO: -- in December of 2020, Your Honor.

17 THE COURT: Okay. Is that --

18 MR. NOLAN: I have it as November, but it's that time  
19 frame.

20 MR. IGNACIO: Yeah.

21 THE COURT: Okay. November, December.

22 THE DEFENDANT: November 29th.

23 THE COURT: Okay.

24 MR. IGNACIO: And that's right around the time that  
25 this whole Miske thing started to pick up. It's right around the

1 time that problems in the Prosecutor's Office and problems with  
2 HPD were starting to come to light.

3 THE DEFENDANT: I had to protect myself.

4 (Counsel and Defendant confer)

5 MR. IGNACIO: Mr. Kinney's involvement as peripheral as  
6 it is, is -- this phantom search that didn't result in the  
7 prosecution of very frightening firearms, leads one to wonder  
8 what the purpose of that search was. And so I think that's what  
9 my client is trying to get at is that shouldn't be held against  
10 him because it's suspect all around.

11 THE COURT: All right.

12 MR. IGNACIO: I think he probably has some other  
13 things --

14 THE COURT: Yeah.

15 MR. IGNACIO: -- but I honestly don't think they're  
16 relevant.

17 THE COURT: Okay. Just listen to me, okay, Mr. Kinney?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. I appreciate it. I know it's not  
20 easy for you.

21 THE DEFENDANT: Uh-huh.

22 THE COURT: Okay. But, look, all right, I'm happy to  
23 give you a brief opportunity to make a statement regarding  
24 anything relevant to the decision to -- on this motion, okay.  
25 It's not opportunity to share whatever and anything you want to.

1           Number two is this. I'm going to ask you to speak just  
2 briefly to Mr. Ignacio because what I don't want you to do is to  
3 say anything that you really shouldn't say with this particular  
4 prosecution that's currently ongoing in federal court. While  
5 there are no State charges, that doesn't mean that there won't  
6 be. And one of the things we always remind individuals about is  
7 you have a right to not say anything that can be used against  
8 you, okay. If you think you can do that after you speak briefly  
9 with Mr. Ignacio, I'm happy to give you an opportunity.

10           Okay, but if I hear anything that I think, one, is not  
11 relevant, okay; or, two, I think you are wandering off and  
12 crossing the line into some things that perhaps you should not be  
13 talking about, I won't hesitate to cut you off. And it's not  
14 because I'm trying to be rude to you. I want you to understand  
15 that. It's because the issue before me to day is very narrow.  
16 It's not about everything, okay.

17           THE DEFENDANT: Yeah.

18           THE COURT: It's very narrow, okay. And so with that,  
19 I'm going to direct you to just have a word, very quickly, with  
20 Mr. Ignacio and --

21           MR. IGNACIO: And I appreciate that, Your Honor, but I  
22 also ask that I be given a privilege to cut him off as well.

23           THE COURT: Yeah. Oh, yeah, certainly.

24           MR. IGNACIO: Thank you.

25           THE COURT: That's quite all right.

1 MR. IGNACIO: Okay.

2 (Counsel and Defendant confer)

3 THE DEFENDANT: I didn't resist. If I resist, people  
4 would haves got hurt. They did not get hurt. They did not get  
5 hurt.

6 MR. IGNACIO: Is that all you wanted to say?

7 THE DEFENDANT: He's saying I resisted, I did not  
8 resist.

9 MR. IGNACIO: Okay.

10 THE DEFENDANT: If I resisted, they would get hurt.

11 MR. IGNACIO: All right.

12 THE DEFENDANT: Honest.

13 MR. IGNACIO: That's all you want to say?

14 THE DEFENDANT: Yeah.

15 MR. IGNACIO: Okay.

16 So, Your Honor, it was heard in open court. The only  
17 thing he wants to say is that he denies that he resisted.

18 THE COURT: Okay. All right. Is that correct, Mr.  
19 Kinney?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. All right. Thank you very much.

22 All right. With that, the Court has carefully  
23 considered the merits of the motion that is before the Court and  
24 that's, one, essentially to revisit and reopen the issue of  
25 detention; and, two, order that Mr. Kinney be released on the

1 proposed plan, which is essentially to release him to the care,  
2 and custody, and supervision of his mother.

3 THE DEFENDANT: Thank you, sir.

4 THE COURT: No, I haven't made a decision yet, Mr.  
5 Kinney. Okay.

6 To the extent that you should be thankful, Mr. Kinney,  
7 that, one, Mr. Ignacio has brought the motion, because it's  
8 important that he does that. Number two, that your mom is  
9 willing to step up and serve as a custodian, which means that she  
10 would have to be responsible for you.

11 And in order for me to make a decision about this, I  
12 have to be -- and if I were to agree with you, and I'm not saying  
13 I am, but if I were to, I need to be crystal clear and confident  
14 that the conditions that I would consider releasing you on are  
15 adequate --

16 THE DEFENDANT: Right.

17 THE COURT: -- all right, to make sure that you show up  
18 in court when you're supposed to, and that you're not going to  
19 pose a danger to everybody. The context within which this case  
20 or this motion is being decided and this -- taking the  
21 prosecution are very concerning. These are serious charges, and  
22 you have every right to fight those charges.

23 There's allegations involving a number of complainants.  
24 Some of them, folks in public office. And that status does not  
25 sway the Court just by that, at all. But to the extent that it's



1 a circumstance within the factual backdrop of this case, that's  
2 one that the Court takes notice of.

3 Now in looking at whether or not your release on  
4 conditions is appropriate, I have to look at a number of  
5 different factors, the nature and circumstances of the charged  
6 offenses. And to the extent it involves crimes of violence,  
7 that's a problem, okay. It's not like you stole a T.V. That's  
8 not the allegation. There were threats alleged against more than  
9 one individual. That's a factor I have to consider.

10 THE DEFENDANT: Advocating.

11 THE COURT: I'm not adjudging you guilty.

12 THE COURT: Advocating, right.

13 THE COURT: Hold on. Hold on. Your day in court to  
14 decide whether you're guilty or not guilty is for another day,  
15 not for today. But it's a factor I have to look at, okay. The  
16 weight of the evidence against you, okay.

17 And while that's the least important factor that the  
18 Court has to consider, because it's somewhat subjective at this  
19 point, but, you know -- and even if I don't place a ton of weight  
20 on that, I have to look at things such as the history and  
21 characteristics of you as an individual. If I look you in the  
22 eye, am I going to be confident you're going to follow the rules?

23 And I'll just be straight with you, Mr. Kinney, I don't  
24 know you from atom, but I am a bit troubled by whether or not you  
25 actually are going to do what you say you're going to do, okay.

1 You were here last time --

2 THE DEFENDANT: I promise, sir.

3 THE COURT: Okay. I understand. I understand.

4 THE DEFENDANT: I'm not a flight risk.

5 THE COURT: Okay. I understand. Hold on. But I don't  
6 know you, so I don't know whether or not you mean what you say.  
7 Alls I can do is look at some of the statements and other things  
8 that I have to consider. And, previously, you've challenged the  
9 jurisdiction of the Court saying, look, I'm not subject to  
10 federal law. You got no authority over me. I ain't going to  
11 follow your rules.

12 THE DEFENDANT: I'm fighting Mike Miske. Like a  
13 person --

14 THE COURT: Hold on. Hold on.

15 And so what I'm saying is I have to look at that  
16 because anyone that's released, okay, the only way those rules  
17 matter is if they're followed to the T.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: That's to the individual's credit and for  
20 their protection, but also for the greater protection of the  
21 public, as well as the integrity of the judicial process that  
22 you're going through.

23 All right. I look at various things to include your  
24 prior comments about marijuana use, I talked to Mr. Ignacio  
25 about. And he's characterizing, and I think it's fair, look, I

1 said a lot of things. I really didn't mean them. If you cut me  
2 loose, Judge, and put me on conditions I'm going to follow,  
3 promise.

4 THE DEFENDANT: Yes.

5 THE COURT: That's what I got out of that.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And I'm taking that, you know, for what  
8 it's worth, but I don't blindly dismiss all the other concern.

9 Beyond your prior criminal conduct, which is, as far as  
10 a record of convictions, that's not a huge concern, but this  
11 separate matter that Mr. Nolan shared and that Mr. Ignacio talked  
12 about, that's left for another day as well. That is something  
13 that gets my attention.

14 And so when I look at everything, Mr. Kinney, I am  
15 going to respectfully adopt the recommendation of Pretrial  
16 Services at this time and deny the motion. And it's not because  
17 I'm doing this, you know, as a quick sort of a decision. I went  
18 through and considered all the various factors, and I've taken a  
19 little bit of time to talk to you because I want you to make  
20 sure --

21 THE DEFENDANT: I insist --

22 THE COURT: Sit down.

23 THE DEFENDANT: -- on giving you this --

24 THE COURT: Sit down.

25 THE DEFENDANT: -- sir.

1 THE COURT: Sit down.

2 THE DEFENDANT: This is my bond.

3 THE COURT: No, no, hold on.

4 THE DEFENDANT: This is my bond.

5 THE COURT: Okay. Okay. So I'm going to deny the  
6 motion. I'm going to find that there's no condition or  
7 combination of conditions that are going to be adequate to  
8 reasonably assure your presence in court. And while that is one  
9 factor, the biggest factor that I'm hanging my hat on for this  
10 ruling, Mr. Kinney, is that -- that whether any conditions can be  
11 set that are going to mitigate, and manage, and prevent you from  
12 being a risk of harm to others individuals. I can't say that  
13 with any sort of confidence today.

14 Now given that, detention is appropriate. And I will  
15 direct you, Mr. Nolan, to please prepare an appropriate order and  
16 incorporate findings based upon the Court's oral ruling. It also  
17 is further supported by information contained in the Pretrial  
18 Services report and the additional documents by counsel.

19 All right. And so with that, the motion is denied.

20 Okay. With that is there anything else, Mr. Nolan?

21 MR. NOLAN: No, Your Honor.

22 THE DEFENDANT: I would like to speak, sir.

23 THE COURT: No, no.

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Ignacio.

1 MR. IGNACIO: Nothing further, Your Honor.

2 THE DEFENDANT: I insist on giving you this. This is a  
3 -- this is a doc.

4 THE COURT: I know. Talk to --

5 THE DEFENDANT: I want this directly to go to you, sir.

6 THE COURT: Okay. Talk to Mr. Ignacio.

7 THE DEFENDANT: For the record. For the record.

8 THE COURT: All right. We'll stand in recess.

9 THE DEFENDANT: For the record, sir.

10 MR. IGNACIO: I'm not going to engage in that, okay.

11 THE COURT: We'll stand in recess.

12 MR. IGNACIO: It's not appropriate.

13 THE DEFENDANT: I insist on giving this to you, sir.

14 THE CLERK: Court stands in recess.

15 (Proceedings concluded at 11:00 a.m.)

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## CERTIFICATE

I, Jessica B. Cahill, court approved transcriber, do hereby certify that pursuant to 28 U.S.C. §753, the foregoing is a complete, true, and correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated: September 17, 2022

  
\_\_\_\_\_  
Jessica B. Cahill, CER/CET-708